

IV. REMARKS

1. The specification is amended. Claims 1, 16, 19 and 22 are amended. Claim 3 is cancelled without prejudice. Claims 29-32 are new.
2. The specification is amended to address the objections to the drawings and the 35 U.S.C. §112, second paragraph rejections. Section headings are also added.
3. Claims 1, 2, 4, 7, 19-24, 26 and 27, as amended, are not unpatentable by Applicant's Admitted Prior Art under 35 U.S.C. §102(a).

Claims 1, 19 and 22 are amended to recite that the terminal will send a cell change failure message instead of attempting a cell change when information about the cell is not available in the terminal. This is not disclosed or suggested. In the prior art, upon receipt by the terminal of a cell change order, the "terminal must immediately attempt 34 a cell change." (page 3, lines 20-23). This is not the same as Applicant's invention.

In Applicant's invention the terminal receives the cell change order and, instead of immediately attempting a cell change, the terminal determines if the timing information of the cell identified in the cell change order is known to the terminal. If it is, the terminal attempts the cell change. If the timing information is not known to the terminal, the terminal does not attempt a cell change, and instead sends the base station a cell change failure message.

In what is indicated as prior art, each time the terminal receives a new cell change order, the terminal immediately attempts a cell change. This can result in several failed cell change attempts. (page 3, line 28-31). In Applicant's invention as recited in the claims, if the timing information for the new cell is not known to the terminal, a cell change is not attempted. This prevents "several failed cell change attempts."

Thus, claims 1, 16, 19, and 22 should be allowable. Claims 2, 4-15, 17, 18, 20, 21, and 23-28 should be allowable at least by reason of their respective dependencies.

4. Claim 25 should be allowable over the combination of Applicant's admitted prior art and Anderson et al. at least by reason of its respective dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$550.00 is enclosed for two additional independent claims and three extra claims. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.



Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

27 May 2005

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 27, 2005

Signature: Meaghan Bay
Person Making Deposit